



U.S. Department of Justice

Environment and Natural Resources Division

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VIA EMAIL AND FACSIMILE (303) 382-6210

John D. Fognani, Esq.  
Fognani & Faught, PLLC  
1700 Lincoln Street, Suite 2222  
Denver, CO 80203

Re: United States v. United Park City Mines Co., et al.,  
Civil Action No. 2:06CV00745 PGC (Richardson Flat Tailings Site)

Dear John:

I write to bring to your attention what is likely just an oversight. The consent decree in the above-captioned case required your clients, within five days of lodging, to deposit the \$60,000 settlement amount into an "escrow account bearing interest on commercially reasonable terms." See Decree at ¶ 4. Upon entry, the decree required that all funds in the escrow account (*i.e.* the settlement amount plus accrued interest) be paid to the United States. See id. While we received payment of the \$60,000 settlement amount, we did not receive the accrued interest.

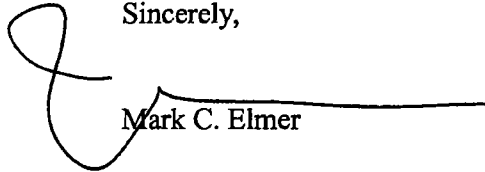
I would appreciate if you would correct this oversight immediately by paying all interest that accrued (or should have accrued) on the \$60,000 settlement amount during the period September 11, 2006 (when the escrow account was established) and December 7, 2006 (when the \$60,000 payment was made to the United States). To avoid the accrual of stipulated penalties (pursuant to paragraph 9 of the decree) and additional interest, we must receive full payment for all accrued interest no later than December 31, 2006.

Payment should be made by certified or cashier's check payable to the United States Department of Justice. The check, or a letter accompanying the check, should reference the name and address of the party making the payment, the Site name, the EPA Region and Site Spill ID Number 0894, DOJ Case Number 90-11-3-08764, and the civil action number. The check and any accompanying letter should be mailed to:

United States Attorney's Office for the District of Utah  
Financial Litigation Unit  
Attn. Debbie Koga  
185 South State Street, Suite 400  
Salt Lake City, UT 84111-1506

Thank you for your attention to this matter. Feel free to call with any questions.

Sincerely,

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line extending to the right.

Mark C. Elmer

cc: Peggy Livingston, Esq. (EPA)  
Maureen O'Reilly (EPA)  
Debbie Koga (DOJ)  
Peggy Fenlon-Gore (DOJ)